

Appl. No. 10/017,772
Att. Docket No. 10191/1924
Reply To Office Action of 11/18/03

REMARKS

Claims 21 to 35 are added and claim 1, 10 and 11 are canceled without prejudice, and therefore claims 2 to 9 and 12 to 35 are now being considered. It is noted that claims 10 and 11 were previously restricted and therefore withdrawn from present consideration.

With respect to paragraph three (3) of the Office Action, Applicants thank the Examiner for allowing claims 12 and 18 (as well as their corresponding dependent claims 13 to 17 and 19 to 20), and for indicating that claims 6 and 7 contain allowable subject matter and that these claims would be allowable if rewritten to include the features of their base claims. Since claims 6 and 7 have been rewritten to include the features of claim 1, it is respectfully requested that the objections as to claims 6 and 7 be withdrawn.

It is noted that the Summary of the Office Action wrongly refers to claims 11 to 17 as being rejected (especially since the Detailed Analysis makes plain that claims 12 to 20 are allowed). It is understood that the Examiner meant to refer to claims 10 and 11 as being withdrawn from present consideration. These claims are now canceled in view of their prior withdrawal so that the case may be allowed.

With respect to paragraph one (1), claims 1 and 2 were rejected under 35 U.S.C. § 102(e) as anticipated by Muchow et al., U.S. Patent No. 6,076,404.

While the rejections may not be agreed with, to facilitate matters, claim 1 has been canceled, and claim 2 now depends from allowable claim 6, so that claim 2 is allowable for the same reasons as claim 6. It is therefore respectfully requested that the anticipation rejections be withdrawn.

With respect to paragraph two (2), claims 3 to 5 were rejected under 35 U.S.C. § 103(a) as unpatentable over "Muchow" in view of Chi et al., U.S. Patent No. 5,714,791.

While the rejections may not be agreed with, to facilitate matters, claims 3 to 5 now depend from allowable claim 6, so that claims 3 to 5 are allowable for the same reasons as claim 6 (since the secondary reference does not cure the deficiencies of the "Muchow" reference). It is therefore respectfully requested that the obviousness rejections be withdrawn.

Accordingly, claims 2 to 9 are allowable, like allowed claims 12 to 20.

New claims 21 to 23 are directed to a micromechanical sensor, a dewpoint sensor and a micromechanical component having a closed diaphragm. These claims do not add any new

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matter and are supported in the specification. These claims are allowable for the following reasons:

As to U.S. Patent No. 6,076,404, it refers to an acceleration sensor in which a movable structure is produced by etching a sacrificial layer. In this connection, accesses to the sacrificial layer are purposefully inserted are required or at least desirable since they also define the movable mass at the same time. (Figures 1a to 1d). The Office Action apparently considered only Figure 1c of the '404 reference, which virtually represents an intermediate step towards a finished sensor.

Claims 21 and 22 to the micromechanical sensor and the dewpoint sensor, respectively, makes plain that the claimed construction is to a finished sensor, and not an intermediate manufacturing step as in Figure 1c of the '404 reference. Accordingly, claims 21 and 22 are to be compared with the sensor of Figure 1d of the '404 reference, in which layer 2 of Figure 1c is no longer present, so that claims 21 and 22 are allowable for these reasons.

As regards the subject matter of claim 23, the micromechanical component has a closed diaphragm -- that is, without etched openings that are inserted in a specific way. A substantial difference is provided by the closed diaphragm, since the diaphragm according to the '404 reference is and remains open, so that claim 23 is allowable.

Accordingly, claims 21 to 23 are allowable.

Claims 24 to 35 do not add any new matter and depend from claims 6, 7, 12, or 18, and are therefore allowable for the same reasons as the claims from which they depend. Additionally, these claims recite the further features of micromechanical sensor, a dewpoint sensor, or a closed diaphragm, as discussed above as to claims 21 to 23, and are therefore allowable for the further reasons discussed as to those claims. Accordingly, claims 24 to 35 are allowable.

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CONCLUSION

In view of the foregoing, it is believed that the objections and rejections have been obviated, and that currently considered claims 2 to 9 and claims 21 to 35 are allowable, like allowed claims 12 to 20. It is therefore respectfully requested that the objections and rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,
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